

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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|-----------------------|---|----------------------------------|
| STEVEN LEE ANDERSON, |) | |
| AIS #286382, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 2:18-CV-545-WKW |
| |) | [WO] |
| WARDEN JONES, et al., |) | |
| |) | |
| Defendants. |) | |

RECOMMENDATION OF THE MAGISTRATE JUDGE

This 42 U.S.C. § 1983 action is before the court on an amended complaint filed by Steven Lee Anderson, a state inmate, challenging the constitutionality of actions which occurred in 2018 during his prior incarceration at Ventress Correctional Facility. Doc. 13. Specifically, Anderson complains that the defendants failed to protect him from other inmates.

The defendants filed a special report, supplement thereto and relevant evidentiary materials in support of their reports—including affidavits and institutional records—addressing the claim presented by Anderson. In these filings, the defendants deny that they acted with deliberate indifference to Anderson’s safety. As ordered by the court, Anderson filed responses to the defendants’ reports.

On June 16, 2021, Anderson filed a motion to dismiss this action with a supporting affidavit attached to the motion. Doc. 78. In the affidavit, Anderson advises that he does not wish to continue with this action and “will not comply further.” Doc. 78 at 2.

Upon consideration of the plaintiff's motion to dismiss and the responsive pleadings of the defendants, the court concludes that the motion is due to be granted and this case is due to be dismissed with prejudice.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that:

1. The plaintiff's motion to dismiss be GRANTED.
2. This case be DISMISSED with prejudice.

On or before **July 6, 2021**, the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party objects. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and legal conclusions set forth in the Recommendation of the Magistrate Judge shall bar a party from a *de novo* determination by the District Court of these factual findings and legal conclusions and shall "waive the right to challenge on appeal the District Court's order based on unobjected-to factual and legal conclusions" except upon grounds of plain error if necessary in the interests of justice. 11TH Cir. R. 3-1; *see Resolution Trust Co. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993) ("When the magistrate provides such notice and a party still fails to object to the findings of fact and those findings are adopted by the district court the party may not challenge them on appeal in the absence of plain error or manifest

injustice.”); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

DONE, on this the 21st day of June, 2021.

/s/ Susan Russ Walker
Susan Russ Walker
United States Magistrate Judge